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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,713	11/20/2000	Richard S. Belliveau		6793

27550 7590 02/15/2002

WALTER J. TENCZA JR.
10 STATION PLACE, SUITE 3
METUCHEN, NJ 08840

EXAMINER

TON, ANABEL

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 02/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,713

Applicant(s)

BELLIVEAU, RICHARD S.

Examiner

Anabel M Ton

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-16 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 9, 17, 18 and 22-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8 and 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Shozo et al (6,033,087).

3. Shozo discloses a mounting substrate (3) having a first light source and a second light source mounted thereon (12,13); a first aperture device having a first aperture and a second aperture; wherein the first aperture device can be aligned over the mounting substrate so that light from the first light source is emitted through the first aperture of the first aperture device and light from the second light source is emitted through the second aperture of the first aperture device (63,64);

- A second aperture device having a first aperture and a second aperture; wherein the second aperture device can be aligned over the first aperture device so that

light from the first light source is emitted through the first aperture of the first aperture device and then through the first aperture of the second aperture device; and light from the second light source is emitted through the second aperture of the first aperture device and then through the second aperture of the second aperture device(6);

- The first light source is a light emitting diode; and the second light source is a light emitting diode;
- The first aperture device can be aligned over the mounting substrate so that the first aperture of the first aperture device is coaxially aligned over the first light source; and the second aperture of the first aperture device is coaxially aligned over the second light source (figs 1 and 2);
- The first aperture device is comprised of a third aperture and a fourth aperture; and wherein the first aperture device can be aligned over the mounting substrate so that light from the first light source is emitted through the third aperture of the first aperture device and light from the second light source is emitted through the fourth aperture of the first aperture device (fig 1 and 2);
- The first aperture device is comprised of an aperture plate which includes the first and second apertures;(figs 1 and 2)
- The aperture plate of the first aperture device is round;(figs 1 and 2)
- The first aperture device is mounted centrally over the mounting substrate;(figs 1 and 2);

- A multi-parameter lighting device; and wherein the substrate and the first aperture device are part of the multi-parameter lighting device;
- Each of the light emitting diodes emits broad-spectrum visible white light;
- The first aperture device is comprised of a transparent material;
- The substrate, the first aperture device, and the second aperture device are part of the multi-parameter lighting device;
- The multi-parameter lighting device includes a communications address (4);

4. Claims 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Szpak (5,504,661).

5. Szpak discloses a mounting substrate having a first light source and a second light source mounted thereon; and a masking device which prevents light from the first light source and the second light source from passing through the masking device if the light is emitted in a first direction (12,13 figs 1-6).

Allowable Subject Matter

6. Claims 9,17,18 and 20-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited does not disclose the following:

- The first aperture device is rotatably mounted to the mounting substrate; and the first aperture device is aligned with the mounting substrate to allow the emission of light from the first light source through the first aperture of the first aperture device and light from the second light source through the second aperture of the first aperture device by rotating the first aperture device with respect to the mounting substrate;(9)
- A flashlight; and wherein the mounting substrate and the first aperture device are part of the flashlight;(17)
- A masking device which prevents light from the first light source and the second light source from passing through the masking device if the light is emitted in a first direction;(18)
- a first color filter covering the first aperture of the first aperture device; a second color filter covering the second aperture of the first aperture device; wherein the first aperture device can be aligned over the mounting substrate so that light from the first light source is emitted through the first color filter and the first aperture of the first aperture device and light from the second light source is emitted through the second color filter and the second aperture of the first aperture device first color filter and the second color filter substantially the same frequency; (20,21)
- A first color filter covering the first aperture of the first aperture device; a second color filter covering the second aperture of the first aperture device; a third color filter covering the third aperture of the first aperture device; and a fourth color

filter covering the fourth aperture of the first aperture device; wherein the first aperture device can be aligned over the mounting substrate in a first position so that light from the first light source is emitted through the first color filter and the first aperture of the first aperture device and light from the second light source is emitted through the second color filter and the second aperture of the first aperture device; and wherein the first aperture device can be aligned over the mounting substrate in a second position so that light from the first light source is emitted through the third color filter and the third aperture of the first aperture device and light from the second light source is emitted through the fourth color filter and the fourth aperture of the first aperture device;(22)

- The first and second color filters filter substantially the same frequency; and the third and fourth color filters filter substantially the same frequency;(23)
- The first light refractive optic and the second light refractive optic filter have substantially the same optical power;(24)
- A first light refractive optic covering the first aperture of the first aperture device; a second light refractive optic covering the second aperture of the first aperture device; a third light refractive optic covering the third aperture of the first aperture device; and a fourth light refractive optic covering the fourth aperture of the first aperture device; wherein the first aperture device can be aligned over the mounting substrate in a first position so that light from the first light source is emitted through the first light refractive optic and the first aperture of the first aperture device and light from the second light source is emitted through the

second light refractive optic and the second aperture of the first aperture device; and wherein the first aperture device can be aligned over the mounting substrate in a second position so that light from the first light source is emitted through the third light refractive optic and the third aperture of the first aperture device and light from the second light source is emitted through the fourth light refractive optic and the fourth aperture of the first aperture device;(26)

- The first and second light refractive optics filter have substantially the same optical power; and the third and fourth light refractive optics filter have substantially the same optical power;(25,27)
- The first aperture is a slotted aperture; and the second aperture is a slotted aperture;(28)
- The first aperture and the third aperture are contained with a first slotted aperture; and the second aperture and the fourth aperture are contained with a second slotted aperture;(29)
- The first light source is comprised of a first group of light sources; and the second light source is comprised of a second group of light sources;(30)
- The first group of light sources is comprised of a first group of light emitting diodes; the second group of light sources is comprised of a second group of light emitting diodes. (31)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M Ton whose telephone number is (703) 305-1084. The examiner can normally be reached on 08:00-16:30.

Application/Control Number: 09/716,713
Art Unit: 2875

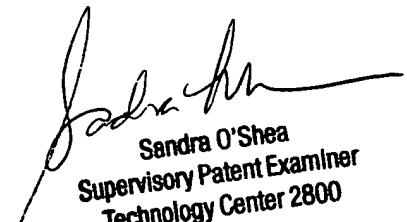
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Anabel M Ton
Examiner
Art Unit 2875

AMTb
February 11, 2002



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800